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Attorney Docket No.: 43888-335
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Harunari SHIMAMURA, et al.	:	Customer No. 53080
Application No.: 10/508,341	:	Confirmation No.: 5666
Filed: May 5, 2005	:	Group Art Unit: 1795
	:	Examiner: JOHN S. MAPLES
For: CATHODE MATERIAL AND NON-AQUEOUS ELECTROLYTE SECONDARY BATTERY USING IT	:	

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed July 6, 2009, having a shortened statutory period for response set to expire August 6, 2009, wherein the Examiner required restriction between the following Groups:

- | | |
|-----------|--|
| Group I: | Claims 1, 3, and 8-10, drawn to a first negative electrode material. |
| Group II: | Claims 2, 3 and 8-10, drawn to a second negative electrode material. |

Applicants elect Group II, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 8/6/09

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